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प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या वी जाती है जिससे इक यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 7th December, 1988:—

BILL NO. LV OF 1988

A Bill to give effect to the International Convention against Apartheid
in Sports.

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Apartheid in Sports Act, 1988.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) "apartheid" means a system of institutionalised racial segregation and discrimination for the purpose of establishing and maintaining domination by one racial group of persons over another racial group of persons and systematically oppressing them such as that pursued by South Africa;

(b) "apartheid in sports" means the application of the policies and practices of the apartheid system in sports activities, whether organized on a professional or amateur basis;

Short title,
extent
and
commencement

Definitions.

(c) "national sports facilities" means any sports facility operated within the framework of a sports programme conducted under the auspices of Government or local or other authority under the control of the Government or such other institution as may be specified by the Central Government;

(d) "sports body" means any organisation constituted to organise sports activities at the national level, including national olympic committees, national sports federations and national governing sports committees;

(e) "sports contract" means any contract concluded for the organisation, promotion, performance or derivative rights, including servicing, of any sports activity;

(f) "sportsman" means a person who participates in sports activities on an individual or team basis as a player, manager, coach or trainer, and includes any other person whose functions are essential in sports activity;

(g) "sports team" means a group of sportsmen organised for the purpose of participating in sports activities in competition with other organised groups.

Prohibition of sports contact

3 No sportsman, sports body or sports team shall have any sports contact with any country practising apartheid.

Power of Central Government to make orders.

4 (1) If the Central Government is of opinion that any sportsman, sports body or sports team intends to participate or has participated in any sports activity in a country practising apartheid or with any sports team representing a country practising apartheid, the Central Government may, by order in writing, direct that such sportsman, sports body or sports team—

(a) shall not be entitled to any financial or other assistance for any purpose from any source;

(b) shall not be allowed access to national sports facilities;

(c) shall not enforce any sports contract entered into by the sportsman, sports body or sports team with any country practising apartheid or any sports bodies or sports team therein;

(d) shall not be entitled to the conferment of any national honours or awards in sports and where such honours and awards in sports have already been conferred, the withdrawal of such honours and awards;

(e) shall not be given any official reception in his, or its, honour.

(2) No order under sub-section (1) shall be made unless the sportsman, sports body or sports team has been given a reasonable opportunity of showing cause against such order being made.

31 of 1946.

5. Without prejudice to the provisions of the Foreigners Act, 1946, or any orders made thereunder, a sportsman representing a country practising *apartheid* or any representative of sports bodies or sports teams representing that country shall not be allowed entry into India.

Prohibition of entry into India of sportsmen, etc., representing countries practising *apartheid*.

6. Any sportsman, sports body or sports team who contravenes the provisions of section 3, or any sportsman, sports body, sports team or any other person who contravenes any order made under sub-section (1) of section 4 shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

Penalty for contravention of section 3 or section 4.

7. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by companies

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making

any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The 40th Session of the UN General Assembly had approved and adopted the International Convention against *Apartheid* in Sports and appealed to Member States to accede to and ratify the Convention as soon as possible. The Convention has come into force from 3rd April, 1988.

2. The Convention represents a major step in the sustained efforts of UN to secure comprehensive boycott of the racist regime of South Africa, by the international community, in respect of sports. As a country in the vanguard of the international campaign against *apartheid* and one which was actively involved in the drafting of the Convention, India is expected to accede to the Convention.

3. As some of the provisions of the Convention interfere with the normal legal rights of Indian sportsmen or their associations, it is necessary to have legislation to bestow legal sanction on such provisions. This Bill incorporates only those specific provisions of the Convention which interfere with the normal legal rights of Indian sportsmen or relate to non-enforceability of sports contracts which would be otherwise valid.

4. According to the Bill, sports bodies, sports teams and individual sportsmen are prohibited to have sports contacts and enter into contracts with a country practising *apartheid*. The Bill provides for refusing to give financial or other assistance to sportsmen who participate in sports activities in a country practising *apartheid* or with sports teams or individual sportsmen selected on the basis of *apartheid*. It provides for restriction on access of national sports facilities to such teams and individual sportsmen. It also provides for denial of entry to representatives of sports bodies, teams and individual sportsmen representing a country practising *apartheid*. It also provides for penalty for contravention of the provisions of clauses 3 and 4.

P. SHIV SHANKER.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules to carry out the provisions of the Bill.

2. These matters in respect of which rules may be made would relate to matters of procedure and administrative detail. The delegation of the legislative powers would thus be normal in character.

SUDARSHAN AGARWAL,

Secretary-General.